



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 28, 2011

RE: Violent Crimes Victim Assistance Program

Dear Honorable Members of the Illinois Legislature:

As Chairperson of the Violent Crimes Advisory Commission, I am pleased to provide this annual report in accordance with the Violent Crimes Victim Assistance Act (VCVA). [735 ILCS 240/5]. This year's report will focus on the decline in revenue in the grant fund that adversely affects programs that provide services to crime victims.

The Office of the Illinois Attorney General administers the Violent Crime Victims Assistance Program [725 ILCS 240], awarding grants to non-profit social service and government agencies throughout the state that provide services to victims and witnesses of violent crime. These services meet the statutory mandate by assisting criminal justice agencies in giving more personal attention to victims and witnesses, sensitizing those working with crime victims, attempting to decrease the incidence of unreported crimes, assuring victims are informed of the progress of their cases, and encouraging public use of services. [725 ILCS 240/2]. Services include, among other things, assistance in obtaining orders of protection, civil no contact and stalking no contact orders, safe shelter, notifications related to criminal proceedings, accompaniment to court proceedings, counseling, assistance obtaining crime victim compensation and referrals to social service agencies.

Overview of the VCVA Grant Program

In 1983, the Illinois General Assembly recognized the importance of victims and witnesses in the criminal justice process and passed the Violent Crime Victims Assistance Act. In doing so, the General Assembly found that "the single most important determinant of whether a case is resolved is the information and assistance provided by the victim or witness." [725 ILCS 240/2]. Intending "to provide ways of improving attitudes of victims and witnesses toward the criminal justice system and to provide for faster and more complete victim recovery from the effects of crime," the law established a grant program to provide services to victims and witnesses of violent crime. The program is funded by fines assessed against defendants convicted of various criminal offenses.

In 1985, the first year of the program, 75 grants were awarded totaling \$586,170.21. This fiscal year, the Office of the Attorney General awarded 257 VCVA grants totaling \$4,316,531.00. While this is a considerable increase from 1985, it is a significant decrease from the \$6 million awarded in FY2011, and from the \$7.6 million awarded in FY 2010. The decrease is due to the decline in the amount of money deposited into the fund.

Eligibility for the VCVA Grant Program

Any government or non-profit agency in the state that offers one or more of the following services for victims of violent crime can apply for VCVA grant funding:

- coordinating volunteers to work with criminal justice agencies to provide direct victim services or to establish community support;
- providing assistance to victims of violent crime and their families in obtaining assistance through other official or community resources;
- providing elderly victims of crime with services appropriate to their special needs;
- providing transportation and/or household assistance to those victims participating in the criminal justice process;
- providing victims of domestic and sexual violence and sexual harassment with services appropriate to their special needs;
- providing courthouse reception and guidance, including explanation of unfamiliar procedures and bilingual information;
- providing in-person or telephone hot-line assistance to victims;
- providing special counseling facilities and rehabilitation services to victims;
- providing other services as the Violent Crimes Advisory Commission shall deem appropriate to further the purposes of this Act;
- providing public education on crime and crime victims;
- providing training and sensitization for persons who work with victims of crime;
- providing special counseling facilities and rehabilitation services for child victims of sex offenses; and,
- providing assistance in exercising rights provided in the Roadside Memorial Act for the families of victims of fatal injury crashes on roadways. [725 ILCS 240/8].

By law [725 ILCS 240/7], the selection of agencies to receive funding includes consideration of the following factors:

1. stated goals of applicants
2. commitment and ability to provide the stated services
3. number of people to be served and the needs of the community
4. evidence of community support
5. organizational structure of the agency
6. maximization of volunteers where appropriate

The Grant Award Process

In accordance with the law, the Office of Illinois Attorney General promulgated rules to implement the grant program. Late last year, the office proposed revisions to the rules to comply with amendments to the Illinois Grant Funds Recovery Act [30 ILCS 705]. The new rules became effective November 4, 2011 [89 Il.Admin.Code 1100].

Grant awards are made each fiscal year, and completed applications for the upcoming fiscal year are due the first Friday in February. The VCVA staff in the Attorney General's Office review the applications and present recommendations to the Attorney General. After final decisions are made by the Attorney General, grant agreements reflecting the conditions of the award are executed. Agencies are required to submit reports to the VCVA Program on a quarterly basis, and a grant monitor reviews the agency's quarterly reports, conducts site visits and ensures that victims are receiving the services outlined in the agreement. VCVA staff also provide technical and program development assistance to new or expanding agencies throughout the state.

FY12 VCVA Grant-funded Programs

VCVA funds are not restricted to any one type of organization. From rape crisis centers to prosecutors' offices, to hospitals, to other community based organizations, VCVA funds are awarded to any agency within a community that has taken on the challenges of providing helpful services to victims of crime. A small number of grants are also awarded to statewide coalitions working to build the capacity of their member organizations to effectively and compassionately assist victims throughout the state. Currently, agencies in 75 Illinois counties receive grants from the Violent Crime Victims Assistance Program. The victims in the remaining counties are served through one or more of the currently funded programs.

The 257 VCVA grants that have been awarded to date break down into the following program types:

- 2 bias violence
- 28 children's advocacy centers
- 24 court appointed special advocates
- 5 child victimization
- 9 community based
- 1 driving under the influence
- 68 domestic violence
- 3 domestic violence and sexual assault
- 1 homicide survivors
- 5 police based
- 67 prosecutor based
- 27 sexual assault
- 12 senior victims
- 5 training & technical assistance

Fiscal Challenges

As noted earlier, the program is funded by fines assessed against defendants convicted of various criminal offenses. When a defendant is convicted and a fine is imposed, the circuit court clerk assesses an additional penalty of \$4 for each \$40, or fraction thereof, of the fine imposed. [725 ILCS 240/10] For example, if a \$200 fine is imposed, the offender is assessed another \$20. If the fine is \$250, the offender is assessed \$28. The additional penalty goes into the Violent Crime Victim Assistance Fund. When a defendant is convicted and no fine is imposed, the clerk assesses \$25 for VCVA if the offense is a violent crime as defined in the Crime Victims Compensation Act. For all other misdemeanor and felony offenses, the clerk assesses \$20. Circuit court clerks are directed to deposit the fines collected for VCVA into the 929 Fund within one month of collection.

The amount of money being deposited into the fund has been steadily declining over the past decade. Over the past two fiscal years the decrease has been close to 33%, or \$2.5 million. The Office of the Attorney General has reduced the number of grants, as well as the total amount of each awarded, to adjust to the declining revenues. Unfortunately, this meant that all programs suffered reductions or cuts for FY 2011 and FY 2012. These reductions, coupled with reductions in other funding sources, have adversely affected the types of services that agencies are able to provide to victims of crime, as well as the number of victims that can be served. For example, some domestic violence programs are no longer able to provide shelter services. A number of programs have laid off staff, and remaining staff simply cannot provide the same level of services to the same number of victims.

There appear to be a number of reasons for the precipitous decline, including the fact that (1) the VCVA fine is difficult to calculate because it is not a single flat fee and judges have to determine the total amount of fines imposed and then assess the VCVA fine; (2) court clerks have discretion in deciding the order of disbursement of fines and fees, and many clerks disburse to county funds first; (3) many judges are not assessing the VCVA fine, even though the fine is mandatory; and, (4) defendants are asserting an inability to pay due to the economy. The Committee will work with the Office of the Illinois Attorney General to identify possible ways to address these issues and increase revenue to the VCVA fund.

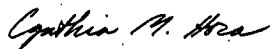
How Can Legislators Help?

Members of the General Assembly can help victims of violent crime in their districts by:

- making sure agencies providing victim services in your district know about the VCVA Program.
- referring victim service providers to the Attorney General's Crime Victim Service Division for more information. Call Toll-free—800/228-3368—or check the website, www.illinoisattorneygeneral.gov/victims/index.html.
- working with the judges and county court clerks in your district to ensure fees are being assessed and that they are collected on a regular basis and deposited into the VCVA fund.
- participating in coordinated community responses to specific types of violence and to violence prevention efforts.

The Violent Crimes Advisory Commission looks forward to working with the Attorney General and the General Assembly in the coming year to continue to ensure high quality, consistent services for victims across Illinois. Please do not hesitate to contact me with any questions—312/814-1427, or chora@atg.state.il.us.

All my best,



Cynthia M. Hora
Chief, Crime Victim Services Division
Chair, Violent Crimes Advisory Commission